Docket No.: HI-0035A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

**EXPEDITED PROCEDURE
UNDER 37 C.F.R. §1.116**

Seung June YI and Jin Young PARK

Serial No.: 09/932,459

Confirmation No.: **3386**

Group Art Unit: **2661**

Examiner: **Tri H. PHAN**

Filed: **August 20, 2001**

Customer No.: **34610**

For: **METHOD FOR INSERTING LENGTH INDICATOR IN PROTOCOL DATA UNIT OF RADIO LINK CONTROL**

REQUEST FOR RECONSIDERATION

U.S. Patent and Trademark Office
Customer Service Window, **MAIL STOP AF**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

In Reply to the Final Office Action dated **May 8, 2006,** the period for response being extended one month from **August 8, 2006** to **September 8, 2006,** by a Petition for Extension of Time filed herewith, reconsideration is respectfully requested.

Claims 11, 30-39, 41-52, and 54-55 stand rejected under 35 U.S.C. §103(a) over ETSI TS 125 322 v.3.1.2 (2000-01) (hereinafter referred to as "TS 125 322"). The rejection is respectfully traversed.

It is respectfully submitted that the Patent Office relies upon excerpts from TS 125 322 to conclude that the combination of features recited in independent claims 11, 30 and 43 are rendered obvious. Specifically, the Patent Office mainly relies upon the following:

(1) "In the case where the end of last segment of an SDU exactly ends at the end of a PDU, the next Length Indicator, shall be placed as the first Length Indicator in the next PU and have value LI=0." See page 23, paragraph 4, of Section 9.2.2.8; and

(2) "If the PDU is exactly filled with the last segment of a SDU and there is no room for a length indicator field a length indicator field set to only 0's shall be included in the next PDU." See page 39, paragraph 3, lines 3-4, of Section 11.2.2.1 and page 41, paragraph 4, lines 2-4, of Section 11.3.2.1.

Based on such limited or narrow reading of TS 125 322, the Patent Office concludes that various combination of features recited in independent claims 11, 30 and 43 are rendered obvious. As the Patent Office may be aware, the disclosure of TS 125 322 must be read within the "four corners" and the disclosure therein must be considered in whole without exclusion of other disclosure. When the disclosure of Sections 9.2.2.8, 11.2.2.1 and 11.3.2.1 are read in its entirety, there is no support for the conclusions or assumptions stated in the Office Action dated May 8, 2006.

Specifically, Sections 9.2.2.8, 11.2.2.1 and 11.3.2.1 further provide the following disclosure:

(3) "The Length Indicator is used to indicate, <u>each time,</u> the end of an SDU occurs in the PU... Length Indicators are included in the PUs that they refer to." Emphasis added. See page 23, paragraph 1, line 1 and line 3, of Section 9.2.2.8; and

(4) "One length indicator field <u>shall be included</u> for each end of a SDU that the PDU includes." Emphasis added. See page 39, paragraph 3, line 1, of Section 11.2.2.1, and page 41, paragraph 4, line 1, of Section 11.3.2.1.

2

When such disclosure is taken into account, the conclusions or assumptions by the Patent Office is erroneous. Based on such additional disclosure, it is clear that even if the PDU is exactly filled with the last segment of a SDU, the current PDU must or shall include a length indicator for each end of the SDU that the PDU includes. Based on the entire disclosure of Sections 9.2.2.8, 11.2.2.1 and 11.3.2.1, the following example clarifies such disclosure of TS 125 322:

(a) A current PDU has a size of 26 octets:

(b) A first SDU of 12 octets is provided in the current PDU;

(c) A second SDU of 10 octets is provided in the current PDU; and

(d) Octets 1-2 of the 26 octets in the current PDU include at least one of D/C information, sequence number information, P information or HE information.

In such an example, the current PDU must included with two length indicators, where a first length indicator LI='12' is used to indicate the end of the first SDU in octet 3, and a second length indicator LI='22' is used to indicate the end of the second SDU in octet 4. As such, the current PDU is exactly filled with the last segment of the second SDU, i.e., current PDU size = 26, which equals 2 octets for (d) above, 2 octets for the first and second length indicators, 12 octets for the first SDU, and 10 octets for the second SDU (2 octets +2 octets +12 octets +10 octets = 26 octets). Since the PDU is exactly filled with the last segment of a SDU, e.g., second SDU above, and there is no room for a length indicator field for a length indicator, a length

3

indicator field set to only 0's shall be included in the next PDU. Based on the entire disclosure, the length indicator must be included for each end of a SDU that the PDU includes.

Based on proper reading of the disclosure, TS 125 322 cannot disclose or teach independent claims 11, 20 and 43, which broadly recites the embodiment(s) disclosed in the application, and the Patent Office conclusions and assumptions cannot be supported. In other words, TS 125 322 fails to disclose or teach, e.g., checking whether the previous PDU has the first length indicator indicating the end of the last segment of the SDU and inserting in the current PDU a second length indicator indicating that the last segment of the SDU ends at the end of the previous PDU according to the checking result only if the previous PDU does not have the first indicator, and the combination of features recited in claim 11.

For similar reasons, TS 125 322 cannot disclose or teach, e.g., means for or step of including a second indicator into a following data unit of the lower layer when an end of the last segment of the data unit of the upper layer is included within the current data unit of the lower layer and a first indicator indicating the end of the last segment of the data unit of the upper layer is not included within the current data unit of the lower layer, wherein the second indicator indicates that the end of the last segment of the data unit of the upper layer is included within the current data unit of the lower layer and the combination of features recited in independent claims 30 and 43.

Dependent claims 31-39, 41-42, 44-52, 54, and 55 stand rejected based on their dependence from the rejected independent claims. It is respectfully submitted that the applied reference fails to disclose or teach the features for the reasons set forth above, and further fails to disclose or teach the additional features and the combination thereof recited in these dependent claims.

Based on proper reading of the disclosure in TS 125 322, a *prima facie* case of obviousness has not been established, and withdrawal of this Section 103 rejection is respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **Daniel Y.J. Kim**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is

hereby made. Please charge any shortage in fees due in connection with the filing of this,

concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and

please credit any excess fees to such deposit account.

Respectfully submitted,
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6